# EXHIBIT A

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Court's Address and Phone Number:	Superior Court of New Jersey		
Hudson Special Civil Part	Law Division, Special Civil Part		
711 Administration Bldg	Hudson	County	
595 Newark Avenue	Docket No: DC	eronum vonaturo socialisti in incidenti in i	
Jersey City, NJ 07306	Civil Action	ì	
Telephone No. (201) 795-6680	SUMMON	S	
(201) 793-0060	Check one		
VOV ADE D		t Li TOIt	
YOU ARE BEING SUED!			
Person or Business Suing You (Plaintiff)	Person or Business Being Sued (De	<u>efendant)</u>	
Mario Damas	Quality Asset Recovery, LLC		
311 Ege Avenue	7 Foster Avenue, Ste. 101		
Jersey City, NJ 07304	Gibbesboro, New Jersey 07107		
(See the following page(s) for additional plaintiffs)	(See the following page(s) for additional defendants)		
Plaintiff's Attorney Information	The Person or Business Suing You Claims You Owe the		
	Following:		
Edward B. Geller, Esq.			
15 Landing Way	Demand Amount	\$ 15,000.00	
Bronx, New York 10464	Filing Fee	\$ 75.00	
Tel:(914)473-6783	Service Fee	\$ 7.00	
	Attorney's Fees	\$	
	TOTAL	\$ 15,082.00	
FOR JUDICIA	ARY USE ONLY		
In the attached complaint, the person or business suing you briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. If you do not answer the complaint, you may lose the case automatically and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. You have 35 days from the date of service to file your answer or a signed agreement. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment. The judgment is valid for 20 years.  If YOU DISAGREE WITH THE PLAINTIFF'S CLAIMS, A WRITTEN ANSWER OR SIGNED AGREEMENT MUST			
BE RECEIVED BY THE COURT ABOVE, ON OR BEFORE, OR THE COURT MAY RULE AGAINST YOU. IF YOU <u>DISAGREE</u> WITH THE PLAINTIFF, YOU MUST DO <u>ONE OR BOTH</u> OF THE FOLLOWING:			
<ol> <li>Answer the complaint. An answer form that will explain how to respond to the complaint is available at any of the New Jersey Special Civil Part Offices or on the Judiciary's Internet site njcourts.gov under the section for Forms. If you decide to file an answer to the complaint made against you:         <ul> <li>Fill out the Answer form AND pay the applicable filing fee by check or money order payable to: Treasurer, State of New Jersey. Include DC (your Docket Number) on the check.</li> <li>Mail or hand deliver the completed Answer form and the check or money order to the court's address listed above.</li> <li>Hand deliver or send by regular mail a copy of the completed Answer form to the plaintiff's attorney. If the plaintiff does not have an attorney, send your completed answer form to the plaintiff by regular and certified mail. This MUST be done at the same time you file your Answer with the court on or before</li> </ul> </li> </ol>			
2. Resolve the dispute. Contact the plaintiff's attorney, or contact the plaintiff if the plaintiff does not have an attorney, to resolve this dispute. The plaintiff may agree to accept payment arrangements. If you reach an agreement, mail or hand deliver the SIGNED agreement to the court's address listed above on or before			
Please Note - You may wish to get an attorney to represent you. If you cannot afford to pay for an attorney, free legal advice may be available by contacting Legal Services at If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local County Bar Association at Notify the court now if you need an interpreter or an accommodation for a disability for any future court appearance.			
/s/ Name	Clerk of the Superior Court		
	other or and popular court		

Dirección y teléfono del tribunal:	El Tribunal Superior de Nueva Je	rsey	
Parte Civil Especial de Hudson	División de Derecho, Parte Civil Especial		
711 Administration Bldg	Condado de Hudson		
595 Newark Avenue	Número del expediente: DC		
Jersey City, NJ 07306	Demanda de Acción Civil		
Número de teléfono:	NOTIFICACIÓN DE DEMANDA		
	Marque si es ⊠ Contrato ☐ Ilícito	Civil	
¡LE ESTÁN DEMANDANDO!			
Persona o entidad comercial que le está demandando	Persona o entidad comercial que está sieno	do	
(el demandante)	demandada (el demandado)		
El Demandante: Consigne la información al dorso.	El Demandante: Consigne la información al dorso.		
(Vea en la(s) página(s) siguiente(s) los demandantes adicionales)	(Vea en la(s) página(s) siguiente(s) los demandados		
Information when all he walls like and all demands to	La persona o entidad comercial que le está demandando		
Información sobre el abogado del demandante	afirma que usted le debe lo siguier Cantidad a la vista \$XXXXX		
El Demandante: Consigne al dorso la información sobre el			
abogado del demandante.	Cargo del emplazamiento \$XXXXX		
Ç	Honorarios del abogado \$XXXXX		
	TOTAL \$XXXXX	XXXX	
PARA USO EXCLUSIVO En la demanda adjunta la persona o entidad comercial que le está o	) del Poder Judicial		
fallo o una parte del mismo. El fallo es válido por 20 años. <u>SI USTED NO ESTÁ DE ACUERDO</u> CON LAS ALEGACIONES DEL DEMANDANTE, EL TRIBUNAL TIENE QUE RECIBIR UNA RESPUESTA POR ESCRITO O UN ACUERDO FIRMADO PARA EL, O ANTES DE ESA FECHA, O EL JUEZ PUEDE EMITIR UN FALLO EN SU CONTRA. SI USTED <u>NO ESTÁ DE ACUERDO</u> CON EL DEMANDANTE, DEBE HACER <u>UNA</u> DE LAS SIGUIENTES COSAS <u>O LAS DOS</u> :			
<ol> <li>Responder a la demanda. Un formulario de respuesta que le explicará cómo responder a la demanda está disponible en cualquiera de las Oficinas de la Parte Civil Especial de Nueva Jersey o en el sitio Internet del Poder Judicial njcourts.gov bajo la sección de formularios (Forms). Si usted decide presentar una respuesta a la demanda que se hizo en su contra:</li> <li>Llene el formulario de Respuesta Y pague la tasa judicial de presentación que corresponda mediante un cheque o giro bancario o postal acreditable al: "Treasurer, State of New Jersey" (Tesorero del Estado de Nueva Jersey). Incluya el número DC (el número de su expediente) en el cheque.</li> <li>Envíe por correo el formulario de Repuesta llenado y el cheque o giro bancario o postal a la dirección del tribunal que figura más arriba, o entréguelos personalmente en dicha dirección.</li> <li>Entregue personalmente o envíe por correo común una copia del formulario de Repuesta llenado al abogado del demandante. Si el demandante no tiene abogado, envíe su formulario de respuesta llenado al demandante por correo común y por correo certificado. Esto SE TIENE que hacer al mismo tiempo que presente su Respuesta al tribunal a más tardar el</li> </ol>			
2. Resolver la disputa. Comuníquese con el abogado del demandante, o con el demandante si éste no tiene abogado, para resolver esta disputa. El demandante puede estar de acuerdo con aceptar arreglos de pago. Si llegara a un acuerdo, envíe por correo el acuerdo FIRMADO a la dirección del tribunal que figura más arriba, o entréguelo personalmente en dicha dirección a más tardar el Nota - Puede que usted quiera conseguir que un abogado para que lo represente. Si usted no puede pagar un abogado, podría obtener consejos legales gratuitos si se comunica con Legal Services (Servicios Legales) llamando al Si usted puede pagar un abogado, pero no conoce a ninguno, puede llamar al Lawyer Referral Services (Servicios de Recomendación de Abogados) del Colegio de Abogados (Bar Association) de su condado local al Notifique al tribunal ahora si usted necesita un			
ntérprete o un arregio por una discapacidad para cualquier comparecencia futura en el tribunal.			
/s/ Nombre y apellido			
3	JOGI GLALIO UGI I HUUHAI JUDTHUI		

Court's Address and Phone Number:	Superior Court of New Jersey	
Hudson Special Civil Part	Law Division, Special Civil Part	
711 Administration Bldg	<u>Hudson</u> County	
595 Newark Avenue	Docket No: DC:	
Jersey City, NJ 07306	Civil Action SUMMONS	
	Check one ⊠ Contract ☐ Tort	
Additional Plaintiffs/demandantes adicionales	Additional Defendants/demandados adicionales	

PLAINTIFF'S ATTORNEY INFORMATION: NAME: EDWARD B. GELLER, ESQ., P.C.

NJ ID NUMBER: 018841986

ADDRESS: 15 LANDING WAY, BRONX, NEW YORK 10464

TELEPHONE: (914)473-6783

MARIO DAMAS,

Superior Court of New Jersey

Law Division, Hudson County

Plaintiff,

Special Civil Part

Docket No.

v.

**COMPLAINT** 

QUALITY ASSET RECOVERY, LLC,

Defendant

Plaintiff, MARIO DAMAS ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., by Edward B. Geller, Esq., P.C., Of Counsel, as and for his Complaint against the Defendant QUALITY ASSET RECOVERY, LLC (hereinafter referred to as "Defendant"), respectfully sets forth, complains and alleges, upon information and belief, the following:

### INTRODUCTION/PRELIMINARY STATEMENT

Plaintiff brings this action on his own behalf for damages and declaratory and 1. injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

### **PARTIES**

- Plaintiff MARIO DAMAS is a resident of the State of New Jersey, residing at 311 2. Ege Avenue, Jersey City, New Jersey 07304.
  - Defendant QUALITY ASSET RECOVERY, LLC is a New Jersey limited liability 3.

company engaged in the business of debt collection with an address at 7 Foster Avenue, Suite 101, Gibbesboro, New Jersey 07107.

- 4. Plaintiff is "consumer" as the phrase is defined and used in the FDCPA under 15 USC §1692a(3).
- 5. The Defendant is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

### **FACTUAL ALLEGATIONS**

- 6. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "5" herein with the same force and effect as if the same were set forth at length herein.
- 7. Upon information and belief, Defendant, on behalf of itself or a third-party, began efforts to collect an alleged consumer debt from Plaintiff.
- 8. Defendant's collection efforts included reporting an account allegedly owed to a medical creditor in Plaintiff's name to national credit bureaus.
- 9. On or about October 1, 2016, the Plaintiff sought representation for credit assistance and advice from an associate and friend, Ms. Wanda Frazier.
- 10. On October 18, 2016, Ms. Frazier and Plaintiff placed a telephone call to Defendant and were connected to a representative who identified herself as "Rachel."
- 11. Plaintiff communicated with "Rachel" and provided his permission and authorization for Ms. Frazier to discuss his account with Defendant.
- 12. Thereafter Ms. Frazier informed "Rachel" that Plaintiff believed that the amount claimed on his credit report was incorrect and that he believed he had made a payment to Defendant's creditor/client and consequently, wished to dispute the alleged debt.

- 13. "Rachel" replied that Defendant's records show that no payment had been made by Plaintiff and placed Plaintiff and Ms. Frazier on hold while she conferred with a manager.
- 14. "Rachel" returned to the line and informed Plaintiff that Defendant would place his consumer dispute in dispute status with the caveat that should Plaintiff contact Defendant in future: "He won't be able to get a settlement or anything, it'll be for the full amount."
- 15. Ms. Frazier requested clarification if this meant that Defendant was saying that once a consumer disputes a debt, he or she will be unable to settle an account but would be required to pay the full balance. "Rachel" confirmed that this was true.
- 16. On or about February 2<sup>nd</sup> 2017 the Plaintiff sought legal representation from M. Harvey Rephen and Associates.
- 17. On February 9<sup>th</sup> 2017 a dispute was faxed over to the Defendant for the Plaintiff which the Defendant replied to on February 10<sup>th</sup> 2017.
- 18. The reply letter on February 10<sup>th</sup> 2017 basically stated that the Defendant did not violate any laws pertaining to the FDCPA.
- 19. On February 16<sup>th</sup> 2017 Attorney M. Harvey Rephen called into the Defendant and spoke with a representative. During his conversation, the representative disclosed the fact that they were able to give settlements after they took disputes.
  - 20. As of July 5, 2017, the account was not listed as being in a dispute status.

# FIRST CAUSE OF ACTION (Violations of the FDCPA by Defendant ERC)

21. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "20" herein with the same force and effect as if the same were set forth at length herein.

- 22. 15 USC §1692 f preface prohibits a debt collector from using any unfair or unconscionable means in connection with the collection of a debt.
- 23. Defendant violated 15 USC §1692 f preface by implementing an unfair policy which would essentially punish consumers such as Plaintiff for registering a consumer dispute.

  As Defendant instructed Defendant's agent, "Rachel" to communicate to Plaintiff, Defendant unfairly and unconscionably places terms on their acceptance of a consumer dispute so that said dispute will only be accepted if the consumer forfeits any right to a debt settlement in the future
- 24. 15 USC §1692 e preface states that a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt.
- 25. Defendant violated 15 USC §1692 e preface on October 18<sup>th</sup>, 2016 when the it's agent falsely informed the Plaintiff that they do not give settlement options after an account has been disputed but then on February 16<sup>th</sup> when that same question was asked by an attorney the answer was that a settlement option is available after a dispute has been made.
- 26. 15 USC §1692 e (8) prohibits communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.
- 27. Defendant violated 15 USC §1692 e (8) on February 9<sup>th,</sup> 2017 by failing to communicate to the credit bureaus that the Plaintiff disputed his account.
- 28. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

### PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendant as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1) in the amount of \$15,000.00;
- B. For statutory damages provided and pursuant to 15 USC §1692(2)(A);
- C. For statutory damages provided and pursuant to 15 USC§1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15USC § 1692(a) (3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: August 23, 2017

Respectfully submitted,

Elmb

EDWARD B. GELLER, ESQ.
EDWARD B. GELLER, ESQ., P.C., OF COUNSEL TO
M. HARVEY REPHEN & ASSOCIATES, P.C.
15 LANDING WAY
BRONX, NEW YORK 10464
TEL: (914)473-6783

Attorney for the Plaintiff MARIO DAMAS



Court's Address and Phone Number: HUDSON Special Civil Part 595 NEWARK AVENUE JERSEY CITY, NJ 07306-0000

201-748-4400 ext.66680

Superior Court of New Jersey Law Division, Special Civil Part HUDSON County Docket No: HUD-DC-011348-17

Civil Action
CONTRACT DISPUTE

### YOU ARE BEING SUED!

Person or Business Suing You (Plaintiff)

Mario Damas

Plaintiff's Attorney Information

EDWARD BARRY GELLER EDWARD B. GELLER, ESQ., P.C. 15 LANDING WAY BRONX, NY 10464-0000 914-473-6783 Person or Business Being Sued (Defendant)

Quality Asset Recovery

The Person or Business Suing You Claims You Owe the Following:

 Demand Amount
 \$15000.00

 Filing Fee
 \$75.00

 Service Fee
 \$7.00

 Attorney's Fees
 \$0.00

 TOTAL
 \$15082.00

## FOR JUDICIARY USE ONLY

In the attached complaint, the person or business suing you briefly tells the court his or her version of the facts of the case and how much money he or she claims you owe. If you do not answer the complaint, you may lose the case automatically and the court may give the plaintiff what the plaintiff is asking for, plus interest and court costs. You have 35 days from the date of service to file your answer or a signed agreement. If a judgment is entered against you, a Special Civil Part Officer may seize your money, wages or personal property to pay all or part of the judgment. The judgment is valid for 20 years.

<u>IF YOU DISAGREE</u> WITH THE PLAINTIFF'S CLAIMS, A WRITTEN ANSWER OR SIGNED AGREEMENT MUST BE RECEIVED BY THE COURT ABOVE, ON OR BEFORE 10/02/2017, OR THE COURT MAY RULE AGAINST YOU. IF YOU <u>DISAGREE</u> WITH THE PLAINTIFF, YOU MUST DO <u>ONE OR BOTH</u> OF THE FOLLOWING:

- 1. Answer the complaint. An answer form that will explain how to respond to the complaint is available at any of the New Jersey Special Civil Part Offices or on the Judiciary's Internet site <u>njcourts.gov</u> under the section for Forms. If you decide to file an answer to the complaint made against you:
  - Fill out the Answer form AND pay the applicable filing fee by check or money order payable to: *Treasurer*, *State of New Jersey*. Include **HUD-DC-011348-17** (your Docket Number) on the check.
  - Mail or hand deliver the completed Answer form and the check or money order to the court's address listed above.
  - Hand deliver or send by regular mail a copy of the completed Answer form to the plaintiff's attorney. If the plaintiff does not have an attorney, send your completed answer form to the plaintiff by regular and certified mail. This MUST be done at the same time you file your Answer with the court on or before 10/02/2017.
- 2. Resolve the dispute. Contact the plaintiff's attorney, or contact the plaintiff if the plaintiff does not have an attorney, to resolve this dispute. The plaintiff may agree to accept payment arrangements. If you reach an agreement, mail or hand deliver the SIGNED agreement to the court's address listed above on or before 10/02/2017.

Please Note - You may wish to get an attorney to represent you. If you cannot afford to pay for an attorney, free legal advice may be available by contacting Legal Services at 201-792-6363. If you can afford to pay an attorney but do not know one, you may call the Lawyer Referral Services of your local County Bar Association at 201-798-2727. Notify the court now if you need an interpreter or an accommodation for a disability for any future court appearance.

/s/ Michelle M. Smith

Clerk of the Superior Court



Dirección y teléfono del tribunal Parte Civil Especial de HUDSON 595 NEWARK AVENUE JERSEY CITY, NJ 07306-0000 201-748-4400 ext.66680 El Tribunal Superior de Nueva Jersey
División de Derecho, Parte Civil Especial
Condado de HUDSON
Número del expediente HUD-DC-011348-17
Demanda de Acción Civil
NOTIFICACIÓN DE DEMANDA

**CONTRACT DISPUTE** 

¡LE ESTÁN DEMANDANDO!

Persona o entidad comercial que le está demandando (el

<u>demandante)</u>

Mario Damas

Información sobre el abogado del demandante

EDWARD BARRY GELLER EDWARD B. GELLER, ESQ., P.C. 15 LANDING WAY BRONX, NY 10464-0000 914-473-6783 Persona o comercial ser demandada (el demandado)

Quality Asset Recovery

La persona o comercial que le está demandando afirma que usted le debe lo siguiente:

 Cantidad a la vista
 \$15000.00

 Tasa judicial
 \$75.00

 Cargo del emplazamiento
 \$7.00

 Honorarios del abogado
 \$0.00

 TOTAL
 \$15082.00

# PARA USO EXCLUSIVO DEL PODER JUDICIAL

En la demanda adjunta la persona o entidad comercial que le está demandando le informa brevemente al juez su versión de los hechos de la causa y la suma de dinero que afirma que usted le debe. Si usted no responde a la demanda puede perder la causa automáticamente y el juez puede dar al demandante lo que está pidiendo más intereses y los costos legales. Usted tiene 35 días a partir de la fecha del emplazamiento para presentar su respuesta o un acuerdo firmado. Si se dicta un fallo en su contra, un Oficial de la Parte Civil Especial puede embargar su dinero, sueldo o sus bienes muebles (personales) para pagar todo el fallo o una parte del mismo. El fallo es válido por 20 años

<u>SI USTED NO ESTÁ DE ACUERDO</u> CON LAS ALEGACIONES DEL DEMANDANTE, EL TRIBUNAL TIENE QUE RECIBIR UNA RESPUESTA POR ESCRITO O UN ACUERDO FIRMADO PARA EL 10/02/2017 O ANTES DE ESA FECHA, O EL JUEZ PUEDE EMITIR UN FALLO EN SU CONTRA. SI USTED <u>NO ESTÁ DE ACUERDO</u> CON EL DEMANDANTE, DEBE HACER UNA DE LAS SIGUIENTES COSAS <u>O LAS DOS:</u>

- 1. *Responder a la demanda*. Un formulario de respuesta que le explicará cómo responder a la demanda está disponible en cualquiera de las Oficinas de la Parte Civil Especial de Nueva Jersey o en el sitio Internet del Poder Judicial <u>nicourts.gov</u> bajo la sección de formularios (Forms). Si usted decide presentar una respuesta a la demanda que se hizo en su contra:
  - Llene el formulario de Respuesta Y pague la tasa judicial de presentación que corresponda mediante un cheque o giro bancario o postal acreditable al: "*Treasurer*, *State of New Jersey*" (Tesorero del Estado de Nueva Jersey). Incluya HUD-DC-011348-17 (el número de su expediente) en el cheque.
  - Envíe por correo el formulario de Repuesta llenado y el cheque o giro bancario o postal a la dirección del tribunal que figura más arriba, o entréguelos personalmente en dicha dirección.
  - Entregue personalmente o envíe por correo común una copia del formulario de Repuesta llenado al abogado del demandante. Si el demandante no tiene abogado, envíe su formulario de respuesta llenado al demandante por correo común y por correo certificado. Esto SE TIENE que hacer al mismo tiempo que presente su Respuesta al tribunal a más tardar el 10/02/2017.
  - 2. Resolver la disputa. Comuníquese con el abogado del demandante, o con el demandante si éste no tiene abogado, para resolver esta disputa. El demandante puede estar de acuerdo con aceptar arreglos de pago. Si llegara a un acuerdo, envíe por correo o entregar personalmente el acuerdo FIRMADO a la dirección del tribunal que figura más arriba, o entréguelo personalmente en dicha dirección a más tardar el 10/02/2017.

Nota - Puede que usted quiera conseguir que un abogado para que lo represente. Si usted no puede pagar a un abogado, podría obtener consejos legales gratuitos si se comunica con Legal Services (Servicios Legales) llamando al 201-792-6363. Si usted puede pagar a un abogado, pero no conoce a ninguno, puede llamar al Lawyer Referral Services (Servicios de Recomendación de Abogados) del Colegio de Abogados (Bar Association) de su condado local al 201-798-2727. Notifique al tribunal ahora si usted necesita un intérprete o un arreglo por una discapacidad para cualquier comparecencia futura en el tribunal.

/s/ Michelle M. Smith

Subsecretario(a) del Tribunal Superior